

REMARKS

The applicant has carefully considered the thorough and extensive Office Action mailed October 11, 2007, and in view of the arguments and analysis provided by the Examiner, the claims have been extensively amended. In this regard, independent Claims 1 and 22 have been amended and Claims 19-21 and 26-30 have been canceled. Based upon these amendments and the arguments presented below, it is the Applicant's belief that the remaining claims are now in condition for allowance.

With regard to the Claim rejections under 35 USC §112, Applicant has now amended the claims in a manner to overcome the objections raised by the Examiner. In addition, Claims 1 and 22 have been amended to eliminate "cocoamido derivatives" in view of the Examiners' argument. Claim 26 has been canceled and the objection raised by the Examiner with regard to Claim 26 has now been rendered moot.

In regard to the Examiner's rejection of the pending claims based upon double patenting a Terminal Disclaimer has been submitted in regard to U.S. Patent Nos. 6,830,557 and 6,555,508. It is the Applicant's belief that the submission of this Terminal Disclaimer obviates the double patenting rejection and renders this issue moot.

In regard to the Examiner's rejection of the pending claims based upon U.S. Patent Application Publication Number 2002/0137641, which has now been granted as U.S. Patent No. 6,794,343, Mr. Paul, the Applicant of the presently pending application, is one of the inventors of the cited patent. Furthermore, Mr. Paul is the sole

inventor of the subject matter disclosed in this cited reference and not claimed in this reference, upon which the Examiner has relied in rejecting the presently pending claims. Consequently, the invention disclosed in this prior art citation is not an invention made "by another", but is in fact an invention made solely by the Applicant of the presently pending patent application. As a result, it is believed that the Examiner's rejection is obviated. If required, the Applicant will gladly supply any required affidavit or declaration confirming his sole invention of this subject matter.

In the outstanding Office Action, in addition to the citation of the Applicant's own patents, each of which have been addressed above, the Examiner's additional rejection of Claim 1 was based upon British Patent No. 1,372,721 (hereinafter James). In view of the extensive amendments the Applicant has now made to Claim 1, the Applicant believes that the Examiner's arguments have been rendered moot in that Claim 1 is now in condition for allowance.

In this regard, Claim 1 has been amended by incorporating the limitations previously found in Claims 2 and 3, which claims have been canceled. As now presented, Claim 1 specifically defines the quantity of the therapeutic agent incorporated into the composition of the medicinal delivery system of the present invention. The specific quantity now detailed in amended Claim 1 is clearly not disclosed or rendered obvious from the teaching provided in James.

Furthermore, James is specifically directed to a pressurized container which incorporates a pressurizing agent for enabling the composition contained therein to be

dispensed. In distinguishing this specific teaching, the pending claims have been amended to define the container of the present invention as being a "non-pressurized, propellant-free" container. As a result, the Applicant believes that amended Claim 1 clearly and unequivocally distinguishes the teaching found in James, and that Claim 1, as now amended, is in condition for allowance.

Claims 4-18 are dependent upon Claim 1 and add novel combinations thereto. For this reason, as well as the reasons detailed above in reference to Claim 1, these independent claims are also believed to be in condition for allowance.

Independent Claim 22 has been amended to define the therapeutic agent in a manner similar to the amendment provided in Claim 1. As a result, for the reasons detailed above in reference to Claim 1, the Applicant believes that Claim 22, as now amended, is also in condition for allowance. Furthermore, in the outstanding Office Action, Claim 22 was rejected for substantially the identical reasons provided by the Examiner in rejecting Claim 1. Consequently, Claim 22, as now amended, is believed to be in condition for allowance.

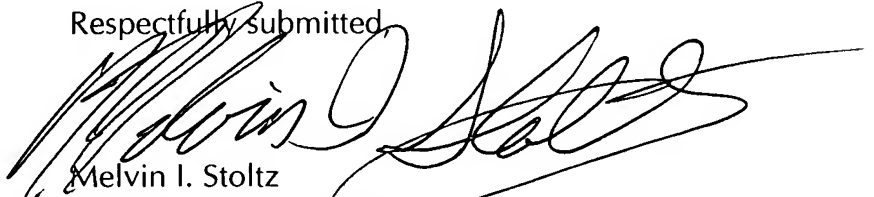
Claims of 23-25 are dependent upon Claim 22 and add novel combinations thereto. For this reason, as well as the reasons detailed above in reference to Claim 22, the Applicant believes that these dependent claims are also in condition for allowance.

Applicant has enclosed a request for a one-month extension of time extending the time from January 11, 2008 through and including February 11, 2008 within which to file this Amendment, together with the requisite fee.

In addition, a Terminal Disclaimer of U.S. Patent 6,555,508 and U.S. Patent 6,830,557 are also enclosed together with the requisite fees. A check in the amount of \$190.00 is enclosed for the extension fee of \$60.00 and the Terminal Disclaimer fees of \$65.00 per Disclaimer. Any additional fees or credits should be charged to Deposit Account No. 19-4512.

Based upon the foregoing Amendment in the arguments presented herein, the Applicant believes that Claims 1, 4-18 and 22-25 as now amended or may dependent upon amended claims are all in condition for allowance and an early Notice of Allowability is earnestly solicited. If any questions remain which can be resolved by a telephone interview Applicant's undersigned Attorney would gladly discuss these issues with the Examiner at the Examiner's convenience. Consequently, Applicant's undersigned Attorney has provided his telephone number below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Melvin I. Stoltz', is written over the typed name and registration number.

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